

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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ERIC LEON CHRISTIAN,

Plaintiff,

v.

CHRISTOPHER HOYE, et al.,

Defendants.

Case No. 2:19-cv-00364-RFB-EJY

REPORT AND RECOMMENDATION

Pending before the Court is Plaintiff's Writ of Execution. ECF No. 29. This case was closed on January 7, 2021 (more than two years ago) after the District Judge accepted and adopted in full a report and recommendation to dismiss the case with prejudice. ECF Nos. 21, 24, 25. The instant Motion is therefore a fugitive document. Further, the Court notes there is no judgment in this case upon which a writ of execution is based. For these reasons, Plaintiff's Writ of Execution should be denied. Again, Plaintiff is advised he may, if he so chooses, commence a new matter by filing a complete *in forma pauperis* application and complaint.

Accordingly, IT IS HEREBY RECOMMENDED that Plaintiff's Writ of Execution (ECF No. 29) be DENIED.

Dated this 24th day of March, 2023.


ELAYNA J. YOUCHAK
UNITED STATES MAGISTRATE JUDGE

NOTICE

Pursuant to Local Rule IB 3-2, any objection to this Finding and Recommendation must be in writing and filed with the Clerk of the Court within fourteen (14) days. The Supreme Court has held that the courts of appeal may determine that an appeal has been waived due to the failure to file objections within the specified time. *Thomas v. Arn*, 474 U.S. 140, 142 (1985). This circuit has also

1 held that (1) failure to file objections within the specified time and (2) failure to properly address
2 and brief the objectionable issues waives the right to appeal the District Court's order and/or appeal
3 factual issues from the order of the District Court. *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir.
4 1991); *Britt v. Simi Valley United Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983).